

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JOSEPH BELLEAU,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:07cv259-DAS
	)	CONSENT
MICHAEL J. ASTRUE,	)	
COMMISSIONER OF	)	
SOCIAL SECURITY,	)	
	)	
Defendant.	)	

**ORDER OF REVERSAL AND REMAND**

On motion of Michael J. Astrue, Commissioner of the Social Security Administration, Defendant in the above cause and pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), the motion being unopposed, this Court hereby reverses the Commissioner's decision and remands Plaintiff's claim for further consideration of the listing for disorders of the spine found at 20 C.F.R. pt. 404, subpt. P, app. 1, § 1.04. See Audler v. Astrue, 501 F.3d 446, 448-49 (5th Cir. 2007) (Commissioner's decisions should discuss specific listings). The Commissioner will also further consider lifting limitations assessed by Plaintiff's treating physician, Dr. Byers, which appeared to conflict with the ALJ's residual functional capacity. See

generally, Shalala v. Schaefer, 509 U.S. 292 (1993) and Melkonyan v. Sullivan, 501 U.S. 89 (1991).

On remand, the Commissioner will instruct the administrative law judge (ALJ) to conduct further evaluation of Plaintiff's degenerative disc disease at step three of the sequential evaluation process, with specific assessment of that impairment under listing 1.04A and in light of the report of examining physician Byers (Tr. 402). In addition, the ALJ will further evaluate Dr. Byers's April 2007 opinion that Plaintiff can only lift ten pounds occasionally, and explain the weight given to that opinion (Tr. 404).

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 25th day of July, 2008.

/s/ David A. Sanders  
UNITED STATES MAGISTRATE JUDGE